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9 Counsel for Kit Morrison, Todd Armstrong,
10 Jerry Ferrara, Market Link Inc. and FM Holdings

11 **UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF NEVADA**

13 In re:

CASE NO.: BK-N-14-50333-btb
Chapter 11

14 ANTHONY THOMAS and WENDI
15 THOMAS,

**DECLARATION OF TRICIA M. DARBY ESQ.
IN SUPPORT OF MOTION FOR RELIEF
FROM STAY**

16 Debtors.

Hearing Date: April 22, 2014
Hearing Time: 10:00 a.m.

17 I, TRICIA M. DARBY, ESQ. hereby declare under penalty of perjury as follows:

18 1. I am a partner at DARBY LAW PRACTICE counsel to KIT MORRISON, TODD
19 ARMSTRONG, JERRY FERRARA, MARKET LINK INC. and FM HOLDINGS (collectively, the
20 "State Court Defendants") in the above-captioned bankruptcy proceeding.

21 2. On March 6, 2014, I sent the attached letter attached hereto as Exhibit "1" to Debtors'
22 Counsel.

23 3. On March 11th and 13th, I e-mailed Debtors' Counsel in an attempt to resolve the
24 issues raised in the Motion for Relief from Stay. I also called Debtors' Counsel.

25 DATED this 24th day of March, 2014.

26 */s/ Tricia M. Darby*
27 By: _____
28 TRICIA M. DARBY, ESQ.

Exhibit “1”

Exhibit “1”

DARBY LAW PRACTICE
4777 CAUGHLIN PARKWAY
RENO, NV 89519
775-322-1237 | 775-996-7290 |

FAX

TO: ALAN SMITH, ESQ.

FROM: Sarah

FAX: 775-786-3066

PAGES:

PHONE:

DATE: March 7, 2014

RE: PLEASE SEE THE ATTACHED
THOMAS CASE NO: 14-50333

CC:

☒ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Thank you

Sarah Silva
Darby Law Practice
775-322-1237
sarah@darbylawpractice.com



March 7, 2014

Mr. Alan Smith
505 Ridge St.
Reno, Nevada, 89501

Sent Via Facsimile and E-mail

Re: In re Thomas, Case No.: 14-50333

Dear Alan,

Darby Law Practice has been retained to represent Kit Morrison, Todd Armstrong, Jerry Ferrara, Market Link Inc., and FM Holdings, Inc. in the above-referenced Chapter 11 bankruptcy matter.

This letter is for the purpose of providing written notice pursuant to LR 4001(a)(2) that our clients intend on filing a motion for relief from stay to allow the *in rem* action filed in the Superior Court of the State of California, County of Los Angeles, as Case No.: BS118649 to proceed.

Please contact our office within seventy-two (72) hours from the date of this notice should your clients wish to resolve this matter before the filing of a motion for relief from the automatic stay. I look forward to hearing from you.

Sincerely,

Tricia M. Darby, Esq.

Send Result Report

Case 14-50333-gs Doc 25 Entered 03/24/14 13:23:57 Page 5 of 8



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Exhibit “2”

Exhibit “2”

From: [Tricia M. Darby](#)
To: ["mail@asmithlaw.com"](mailto:mail@asmithlaw.com)
Subject: FW: Thomas/Case No.: 14-50333
Date: Thursday, March 13, 2014 11:20:00 AM
Attachments: [Conetto - Statement of Decision.pdf](#)
[Thomas AmendedComplaint.pdf](#)

Alan,

Any chance your client will stipulate? Thanks.

Tricia

From: Tricia M. Darby [mailto:tricia@darbylawpractice.com]
Sent: Tuesday, March 11, 2014 10:32 AM
To: 'mail@asmithlaw.com'
Subject: Thomas/Case No.: 14-50333

Alan,

Attached is your client's Amended Complaint and the Statement of Decision disposing of the First Claim of relief. The State Court entered the attached Statement of Decision denying Thomas' claim of ownership to the Bahia Emerald and dismissing with prejudice the First Claim for Recovery and Possession of Personal Property. My clients filed a Motion For Judgment On The Pleadings addressing the remaining claims, which is set for a hearing on 5/29. My clients want the action brought by your clients to go forward as scheduled.

There remains two claimants in the underlying action after the Court found Thomas had no claim to the Bahia Emerald. My clients also want this action to proceed. Please let me know if you will stipulate to stay relief. Thank you.

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